

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

The Examiner rejected previously submitted claims 1-3 and 5-6 under 35 U.S.C. 102(b) as being anticipated by U.S. Publication No. 2002/0170823 ('823) to Housefield et al. As to how this rejection applies to amended independent claim 1, it is respectfully traversed.

The Housefield et al. '823 reference is related to blood glucose meter. The '823 reference describes a body fluid test apparatus wherein a portable tester is detachably mounted to a base. According to the '823 reference, the diabetic must monitor the levels of substances including glucose, cholesterol, ketone, etc. The diabetic needs to monitor blood glucose frequently and the levels of other substances less frequently. See paragraph [0011] of the '823 reference. Thus, for the diabetic's convenience, the '823 reference is related to a body fluid test apparatus wherein a portable tester which is used frequently is detachably mounted to a base which is used less frequently. See paragraphs [0007] to [0011]. The most important feature of the '823 reference is that it combines two devices having different frequencies of use.

As a result, two devices which are operable independently are needed in the '823 reference. Each device has its own microprocessor for analysis of data or signal. Furthermore, because the two devices have different frequencies of use, a docking system is needed, and a communications network is needed for communication between the microprocessors.

The advantage of the '823 reference is that it addresses the diabetic's frequent need to monitor blood glucose and less

frequent need to monitor the levels of other substances. Thus, the diabetic doesn't need to carry both of two devices. Furthermore, by combination of two devices, the data can be synthesized.

However, when one considers "convenience when used", the diabetic would not have a "convenience when used" by combination of two devices, because the size is bigger and the portability is worse. In other words, the diabetic would not use the portable device while mounting it on the base, and vice versa.

The present invention is also related to blood glucose meter, but the present invention is only one device having two receiving holes. This is for the diabetic's "convenience when used".

By having two receiving holes - upper and lower receiving hole, the diabetic has a "convenience when used". If blood glucose meter had only one receiving hole, there are inconveniences when used. For example, when blood is collected at an inside point of a forearm, it becomes difficult to identify what is displayed on the display panel, or it is inconvenient that the wrist is excessively bent to allow the display panel to be easily viewed. See pages 5-6 of the present application. Furthermore, because one of the receiving holes can be used when the other is broken, the life of the blood glucose meter is much longer.

Furthermore, the present invention is only one device, so there is only one microprocessor which can analyze all of data from the two receiving holes. A docking system and communications network are not needed as in '823 because there is only one microprocessor.

To emphasize the difference between the present invention and the '823 reference, claim 1 has been amended to emphasize that the present invention comprises a single device having two receiving holes and only one microprocessor.

The examiner indicated that when the tester is docked in the base, this is considered to be the meter body. This position is not valid anymore because the device of the present invention as now set forth in amended claim 1 has only one microprocessor. The '823 document cannot be interpreted as having one microprocessor. Because two devices of the '823 reference can be operable when undocked, the body fluid test apparatus of the '823 reference must have two microprocessors.

In conclusion, the '823 reference relates to a body fluid test apparatus where a portable tester is detachably mounted to a base, while the present invention is related to only one blood glucose meter device having two receiving holes. Thus, the components and effects are different. By amendment, claim 1 sets forth that the blood glucose meter of the present invention has only one microprocessor, so the Examiner's position, when the tester is docked in the base, is not valid.

In light of the foregoing, it is respectfully submitted that independent claim 1 as amended patentably defines over the '823 reference and the early issuance of a notice of allowance is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the

Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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